THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No.2723 of 2007

DATED: 19.06.2007

Between:

Blue Star Convent High School,
Pithapuram, East Godavari District,
Rep. by its Correspondent. .. Petitioner

And

The State of Andhra Pradesh,
Rep. by the Secretary to Government,
School Education Department,
Secretariat, Hyderabad,
and others. .. Respondents

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ORDER:

In this writ petition, the petitioner-School, which is a recognized High School, seeks directions by way of a Mandamus declaring the action of the respondents in not permitting the petitioner for filling up the Grade-II Hindu Pandit Post (Aided Post) as illegal and arbitrary, and for issuance of directions to fill up the said post.

2. In this writ petition, inasmuch as the counter affidavit is filed and in view of the request made by both the counsel, the writ petition is disposed of at the time of admission itself.

3. In the affidavit filed in support of the writ petition, it is stated that the petitioner-School was established in the year1969 and is recognized by the Government. It is further submitted that the post of Hindi Post Grade-II has fallen vacant in their School from 30.04.2003 due to retirement of a teacher, who was working in the said post. The main grievance of the petitioner is that though proposals were sent seeking permission to fill up the said vacant post, no steps have been taken by the respondents.

4. In the counter affidavit filed by the District Education Officer, East Godavari, Kakinada, the fourth respondent herein, it is stated that he forwarded the proposals of the petitioner-School on 02.11.2004 to the Regional Joint Director of School, the third respondent herein, but,

however, in view of the orders issued in Government Memo No.12080/COSE/A2/2004-4, dated 20.10.2004, the said proposals were returned on 09.12.2004.

5. The post of Hindi Pandit Grade-II in the petitioner-school is a grant-in-aid post, which had fallen vacant as early as on 30-04-2003 due to the retirement of a teacher who was earlier holding the said post. The only defence of the respondents is that as much as rationalization is in process, as such, no steps are being taken to permit the petitioner-school to fill up the vacant post. As the post vacant is already admitted to grant-in-aid, while it is open for the respondent to post a suitable candidate, but under the guise of rationalization, the post cannot be kept pending for years together either without posting any suitable person or by not allowing the Management to fill up the said post as per the Rules.

In view of the facts and circumstances of the case, I dispose of the Writ Petition directing the respondents to post any suitable candidate in the vacant post of Hindi Pandit Grade-II in the petitioner-school within a period of two months from the date of receipt of this order. In the event of not filling up the said post by posting any suitable candidate, respondents shall consider the proposals of the petitioner-school to fill the vacancy without reference to the ban imposed by the Government. No order as to costs.

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(R.SUBHASH REDDY,J)

Dt.19.06.2007

v v